

Applicant: Anthony Giraudo

Agent: Issacson & Arfman

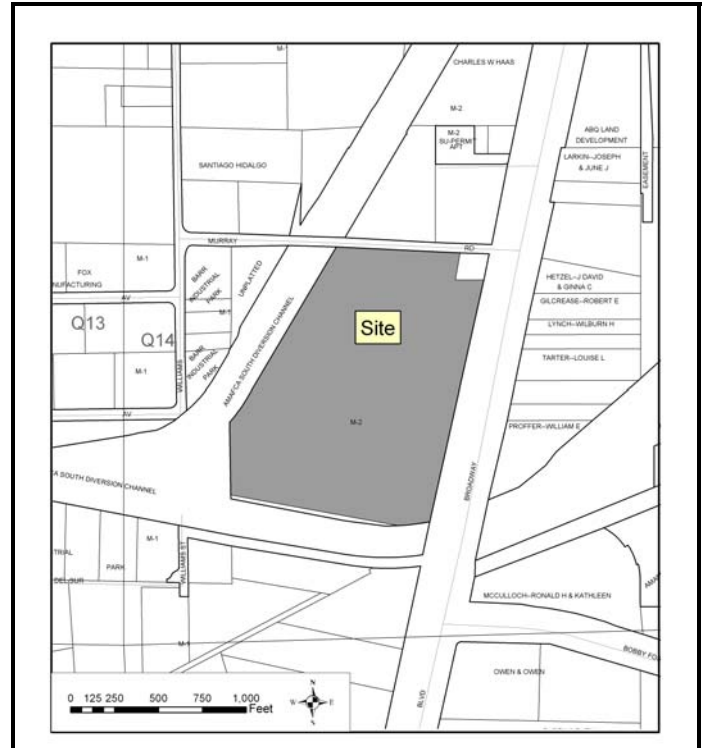
Location: Murray Road SE

Property Size: 36.84 acres
(approximately)

Existing Zone: M-2

Proposed Request: Preliminary Plat

Recommendation: Approval



Summary: The applicant is seeking Preliminary Plat approval of a thirty-two (32) lot industrial park subdivision (Kan Industrial Park) encompassing approximately 37.49 acres.. The site is zoned M-2. On November 8, 2007 the County Development Review Authority (CDRA) deemed this submittal complete for preliminary plat.

This request lies within the Developing Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area One (1) of the Southwest Area Plan.

This case was deferred from the February 6, 2008 County Planning Commission hearing to allow the applicant an opportunity to revise the preliminary plat. The revised preliminary plat reduced the number of lots from 32 to 26. On February 14, 2008, the CDRA deemed the revised submittal complete for preliminary plat.

Staff Planner: Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
 2. Land Use Map
 3. CDRA Comment Notification dated February 14, 2008.
 4. Water and Sanitary Sewer Availability Statement Dated September 28, 2007.
 5. Correspondence from the Office of the State Engineer dated June 4, 2008.
 6. Correspondence from the State of New Mexico Department of Cultural Affairs, Historic Preservation Division dated December 13, 2007.
 7. Correspondence from the Ciudad Soil & Water Conservation District dated March 21, 2008.
 8. Bernalillo County Departments and Other Agencies Comments
 9. Disclosure Statement
 10. Revised Preliminary Plat dated February 19, 2008 (Commissioner's only)

Bernalillo County Departments and other interested agencies reviewed this application from 11/19/07 to 3/34/08. Agency comments were used in preparation of this report (Attachment 8).

AGENDA ITEM NO.: 8
County Planning Commission
August 6, 2008

SC-60018 Isaacson & Arfman, agent for Anthony Giraudo, requests preliminary plat approval for 26 lots to be called Kan Industrial Park on a tract of land in the SW¼ of Section 17, T9N, R3E, located on the southwest corner of Broadway Boulevard and Murray Road SE, zoned M-2, and containing approximately 36.84 acres. (Q-14)(DEFERRED FROM THE FEBRUARY 6, 2008 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	M-2	vacant
North	M-1 and M-2	Mixed Industrial Uses
South	M-1	AMAFCA South Diversion Channel & Mixed Industrial Uses
East	M-2 & Broadway Boulevard	A vacant house and mobile homes and semi-tractor trailers and mixed industrial uses east of Broadway
West	M-1	Bike trail, the AMAFCA South Diversion Channel and mixed industrial uses

BACKGROUND:

The Request

The applicant is requesting approval of a Preliminary Plat for a twenty-six (26) lot industrial park subdivision (Kan Industrial Park) encompassing approximately 36.84 acres. The subject site is located at the southwest corner of Broadway Boulevard and Murray Road SW. The primary access to the subject site is off of Murray Road.

Infrastructure will be provided as noted in the Disclosure Statement and the applicant has received Water and Sewer Availability Statement dated September 28, 2007 from the Albuquerque Bernalillo County Water Utility Authority. The roads within the subdivision will be dedicated and maintained by the County upon completion of construction to County road standards.

Surrounding Land Use and Zoning

The subject site is zoned M-2 (Heavy Manufacturing Zone) and is vacant. The AMAFCA South Diversion Channel borders the subject site on the south and west. The subject site is also adjacent to Broadway Boulevard on the east that separates it from properties zoned M-2 and developed with a mixture of industrial types uses. To the north of Murray Road exist M-1 and M-2 zoning with the property developed with mixed industrial type uses. As a point of information, the subject site is included in the proposed Mountain View Sector Development Plan area.

The most recent land use activity in the area was the approval of a minor subdivision to the southwest of the site (Ira B. Briner Industrial Park) (SRP-30045) that was approved by the County Development Review Authority in December of 2003.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The Goal for this land use area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.

Policy a states that the Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.

Policy d states that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Policy e states that new growth shall be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.

Policy g states that development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.

Policy i states that employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy j states that where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy k states that the land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.

Southwest Area Plan (SWAP)

The site is located in Residential Area Five (1) of the Southwest Area Plan.

Policy 1 states that techniques to ensure water quality and to enhance water conservation shall be established by the appropriate governmental agencies to enforce policies adopted in the Ground-Water protection Policy and Action Plan and to prevent further groundwater contamination in the Plan area.

Policy 11 states that in order to preserve and enhance the unique heritage of the South Valley, review requirements shall be established for historic and cultural sites, as well as landmarks and archaeological areas. These historical sites include, but are not limited to, the New Mexico Cultural Properties Review Committee designated structures or properties that may contain historic or prehistoric structures, ruins, sites or objects to be preserved in some form. Desecration or destruction of these sites would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value.

Policy 15 states that all roads and arterials shall maintain continuity with regards to drainage, design and landscape. These arterials shall be comprehensive in design and scale to include the community's goals and objectives, including pedestrian and bicycle amenities, mass transit potential and landscaping.

Policy 23 states that all development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities.

Policy 32 states that the areas located between I-25 and Second Street and the area south of I-40 and west of Paseo Del Volcan shall be used as primary employment because of their location to transportation facilities (rail and highway).

Policy 33 states that all land uses in the plan area, which are or reflect a M-1 or M-2 land use shall require a detailed site plan and landscape plan, including phasing (if applicable).

Bernalillo County Subdivision Ordinance

Sec. 74-31. Preliminary plat instructions.

- (a) *Preliminary plat required.* Preliminary plats shall be submitted for type-one, type-two, type-three, and type-four subdivisions. Certain type-three and all type-five subdivisions are subjected to review under the summary procedure set forth in article V of this chapter.
- (b) *Application / fees.* A subdivider shall prepare a preliminary plat and support documentation in accordance with the requirements provided in these regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the county and upon payment of the required administrative fee.
- (c) *Support documentation.* Prior to accepting the preliminary plat, the county shall require that the subdivider furnish documentation of:
 - (1) An approved sketch plat;
 - (2) Water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
 - (3) Water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
 - (4) The means of liquid waste disposal for the subdivision;
 - (5) The means of solid waste disposal for the subdivision;
 - (6) Satisfactory roads to each parcel, including ingress and egress for emergency vehicles, and utility easements to each parcel;
 - (7) Terrain management (drainage report) to protect against flooding, inadequate drainage and erosion; and measures to protect steep slopes over 15 percent and ridge tops;

- (8) Protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by article X of this Code; and
- (9) If property is in a designated wildfire hazard area, means of compliance with wildfire safety provisions of this chapter.

Additional information as deemed appropriate by the county upon prior notice to applicant.

- (d) *Neighborhood notification.* All applications for six or more lots shall be subject to the county neighborhood notification ordinance.
- (e) *Plat deemed complete (for review).* Within five days of receipt of the application, fees, preliminary plat, and support documentation, the county shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat shall be accepted for review upon acceptance of the application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be advised and the application will not be accepted for further review.

Sec. 74-32. Agency review.

- (a) *Plat transmittals.* Within ten days after the date that the preliminary plat is deemed complete, the county shall forward a copy of the preliminary plat and support documentation to the following state and local agencies by certified mail, "return receipt requested," with a request for review and opinions:
 - (1) New Mexico State Engineer Office;
 - (2) New Mexico Environment Department;
 - (3) New Mexico Highway and Transportation Department;
 - (4) Soil and water conservation district in which the proposed subdivision is located; and
 - (5) Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- (b) *Agency response.* The state and local agencies shall have 30 days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The county shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency.

- (c) *Hearing deadlines.* If the opinions received from all agencies are favorable, the county shall schedule a public hearing for consideration and action on the preliminary plat within 30 days following the receipt of such favorable opinion. If the county does not receive a requested opinion within the specified 30 days, it shall proceed with the required public hearing.
- (d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.
- (e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

Sec. 74-94. Community water system requirements.

- (a) A community water system is any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the state engineer under § 72-12-1 NMSA 1978, and which consists of a common storage and/or distribution facilities operated for the delivery of water to systems which serve at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (b) A community water system shall be required for all subdivisions where any one of the following criteria are met:
 - (1) Subdivisions containing 20 parcels, any of which is equal to or less than two acres.
 - (2) For all subdivisions containing 19 or less parcels, or subdivisions containing 20 or more parcels in which the minimum parcel size is greater than two acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of 2 gpm or less, or where available information suggests the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates greater than 2 gpm, and is adequate to meet the maximum annual water requirements of all parcels.

- (c) If water will be supplied from a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water production, storage and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells, and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans. Preliminary well plans shall include casing diameter, total depth, screened interval and proposed pump setting. All distribution mains shall be a minimum of six inches in diameter, unless otherwise approved by the State of New Mexico Public Utilities Commission.
- (d) Shared wells systems, permitted under § 72-12-1 NMSA, may be allowed subject to subsection (b)(2) of this section, under the condition that the maximum number of parcels served by one well shall not exceed five.
- (e) Covenants and land use restrictions shall be adopted strictly prohibiting the drilling or use of individual and/or shared domestic wells for any subdivision which requires or utilizes a community water system.
- (f) If a community water system is proposed or required, the developer should consult with the New Mexico Public Utilities Commission regarding the applicability of the Public Utility Act to the community water system.

Section 74-112. Protecting cultural properties.

- (a) All lands that are proposed to be subdivided into more than 24 lots shall be investigated by an archaeologist who is permitted by the State Cultural Properties Review Committee, for the purpose of identifying and evaluating the significance of cultural properties, archaeological sites, and unmarked burial sites, that may be impacted directly by the subdivision.
- (b) In the event that the investigation reveals evidence that the subdivision will have a direct impact on cultural properties, archaeological sites, or unmarked burials determined by the county to be significant (125 years or older), then the developer shall be required to provide to the County a plan of action that mitigates the negative impacts of the proposed subdivision. The County shall approve, modify, or deny the action plan.
- (c) Unmarked human burials.
 - (1) According to state policy, any unmarked human burial site shall receive appropriate and respectful treatment and disposition.
 - (2) All subdividers shall comply with the requirements of § 18-6-11.2 NMSA 1978., which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried, entombed or sepulchered in any unmarked burial ground except by authority of a permit issued by the State Medical Investigator or by the State cultural properties Review Committee with

the concurrence of the State Archaeologist and State Historic Preservation Officer.

- (d) Registered cultural properties. All subdivisions of land in the County will be subject to the requirements of the Cultural Properties Act and the standards for archaeological investigation and treatment established by the County. (Ord. No. 96-23, art. 11, § 2, 10-1-96)

Bernalillo County Zoning Ordinance

Section 17. M-2 Heavy Manufacturing Zone.

- A. The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulation in the M-2 Heavy Manufacturing Zone. The purpose of this zone is to provide for industrial operations of all types except that certain potentially hazardous or nuisance-type industries as specified in Subsection B-2 below are permitted only after public hearing and review to ensure protection of the public interest and surrounding property and persons.

ANALYSIS:

Surrounding Land Use and Zoning

The site is zoned M-2 (Heavy Manufacturing Zone) and is vacant. The site is located in an area where a substantial amount of industrial zoning (M-1 and M-2) exist and developed with mixed industrial type uses. The subject site is bordered on the south and west by the AMAFCA South Diversion Channel, and M-2 zoning to the east and north.

Plans

The proposed platting action is located in the Developing Urban Area of the Comprehensive Plan and Residential Area One (1) of the Southwest Area Plan. The proposed preliminary plat for a 26-lot industrial park subdivision which appears to be consistent with the land use goals of the Plan. The request meets the requirements called for in the Subdivision Ordinance and is consistent with the Southwest Area Plan, specifically Policy 32, in that industrial development is appropriate since several modes of transporting industrial products exists in this area (i.e. rail, interstate, airport) and it is located between I-25 and Second Street.

Agency Comments

Parks and Recreation Department has commented the need to label all pedestrian and bicycles facilities, the foot trail with a buffer adjacent to Murray Road, the inclusion of a trail/pedestrian crossing at the entrance and the bicycle lane, shared road route marking, or a sidewalk built into the 60' road ROW on the internal roads (Shay, Rina or Domenica).

The Public Works Division has noted that a revised grading and drainage plan will be required to reflect any changes that may have occurred due to the change in lot configuration on the revised preliminary plat.

The State of New Mexico Department of Cultural Affairs, Historic Preservation Division has recommended that a cultural resource survey be conducted because the potential for unknown cultural resources on this site cannot be determined on their current database.

Conclusion

In accordance with the Bernalillo County Subdivision Ordinance, the applicant's proposal has been disseminated to the appropriate agencies and all agencies have had an opportunity to comment on this request. All opinions have been favorable, which satisfies the requirements of the Bernalillo County Subdivision Ordinance. This request appears to be consistent with the land use designation of the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan.

RECOMMENDATION:

Approval based on the following Findings and Conditions of Approval.

Adella Gallegos
Associate Program Planner

FINDINGS:

1. This is a request for preliminary plat approval for 26 lots, to be called Kan Industrial Park on a tract of land in the SW¼ of Section 17, T9N, R3E, located on the southwest corner of Broadway Boulevard and Murray Road SE, zoned M-2, and containing approximately 36.84 acres.
2. On February 14, 2008, the County Development Review Authority deemed this submittal complete for preliminary plat.
3. The property is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and in Residential Area One (1) of the Southwest Area Plan.
4. This request is meets the requirements called for in the Subdivision Ordinance and is consistent with the Southwest Area Plan as articulated in Policy 32 in that the subject site is located in a primary employment area between I-25 and Second Street and where several modes of transporting industrial products exists (i.e. rail, interstate, airport).
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

CONDITIONS OF APPROVAL:

1. A professional archaeologist shall identify and evaluate any archaeological sites through a cultural resources survey of the area prior to development. Prior to final plat, a copy of the cultural resource survey shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
2. The applicant shall include the following statement on the final plat.

"Drainage Easement Dedication to the County of Bernalillo, its successors and assigns, of the lands, right-of-way, and easements designated herein as 'Drainage Easement' is with full and free consent and in accordance with the desire of the undersigned owner(s). This dedication is for drainage, flood control, conveyance of storm water, and the construction, operation and maintenance of, and access to such facilities. Except by the written approval of the County Engineer, no fence, wall, building or other obstruction may be placed or maintained in said easements, and there shall be no alterations of the grades or contours in said easements. The grating of easements shall not obligate the County of Bernalillo to maintain natural arroyos, drainage channels, or facilities that do not meet the standard of the County Engineer for design and construction, nor shall this grating require the protection of property lying outside of the easements granted. Safe locations for structures built on lands adjacent to the easement dedicated herein may be substantially outside the area described by the easements. Any portion of any lands right-of-way, or easements dedicated or granted herein shall revert to the owner, its successors and assigns as and to the extent said portion is declared unnecessary for flood control and drainage by the County Engineer of Bernalillo County. Vacation approval consistent with the Bernalillo County Subdivision ordinance will be required."
3. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.